

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

Carmen's Candlery, Etc. Inc.,)
et. al.,)
)
)
)
Plaintiffs,)
)
)
)
v.) No. CIV-06-522-FHS
)
)
)
Lampe Berger, USA, Inc.,)
et. al.,)
)
)
)
Defendants.)

ORDER

The instant case was stayed on April 18, 2007, due to litigation taking place in Louisiana. On October 30, 2007, the plaintiffs moved to lift the stay. After expedited briefing, the court denied the motion.

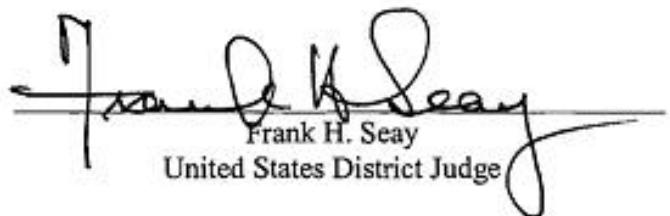
As part of the stay the parties were ordered to provide a status report to the court every (90) ninety days. On January 15, 2008, plaintiff filed their Third Status Report with this court. In the last paragraph of the report plaintiffs state "Accordingly, plaintiffs renew their motion to lift the stay and allow this case to go forward." However, no separate motion was filed by the plaintiffs and defendants did not file a response. In their Fourth Status Report filed on April 14, 2008, plaintiffs again in the last paragraph "re-urge their motion to vacate the order staying the case." Again, no separate motion was filed requesting the stay be lifted. Defendants in their status report did note the request and urged the court to deny it. Plaintiffs continued this practice of requesting relief in the status

report, but never filing a separate motion seeking relief from the stay.

Plaintiffs will note in the official record of the court these requests are never treated as a motion upon which the court would issue a ruling. In fact, combining this alleged motion with the status report is in direct violation of Local Civil Rule for the Eastern District of Oklahoma 7.1 (c) which clearly states that "Each motion shall be a separate pleading". Accordingly, plaintiffs' requests only made in the various status reports were never ruled upon because they were never considered motions by this court.

In an effort to expedite the progression of this case the court will now treat these requests as a motion to lift the stay. The court notes the defendants' objections to this motion and has considered these objections. Accordingly, the court grants the motion to lift the stay and will set this matter on its next scheduling docket to be set by the clerk of the court at a later date.

IT IS SO ORDERED this 22nd day of April, 2009.



Frank H. Seay
United States District Judge